

HOW TO SEARCH FOR CONSERVATION EASEMENTS

There are four steps that need to be taken when searching for conservation easements.

- Begin by determining what organizations might hold conservation easements in your area of interest.
- Contact each organization. Have them provide as much information to you about each easement that they can.
- Search the land records of each municipality.
- Use the information gathered to create a standardized database that can easily be shared with others.

It is CRERPA's hope that the database designed for this project will become the standard database for the municipalities and conservation organizations within our region and beyond. This database framework will tell you what information you need to gather as you visit Town Halls, read deeds and examine their accompanying maps.

The first step is to make a list of entities that are likely to hold the majority of conservation easements within your area of interest. The Conservation Zone of the Connecticut River as defined by the Connecticut River Gateway Commission is located within eight towns: Old Saybrook, Essex, Deep River, Chester, Haddam, East Haddam, Lyme and Old Lyme. CRERPA determined that the most likely holders of conservation easements in this region would consist of the municipalities and their associated land trusts, the State of Connecticut and The Nature Conservancy.

The second step is to contact each organization and ask them to provide a current list of their conservation easements, and as much information about each one that they can provide. It is our experience that the State, the municipal land trusts and private conservation organizations can provide at least a list of easements that contain the property owner's name, transaction dates, and some location information. On the other hand, we found that none of the municipalities were able to provide any kind of comprehensive list of their conservation easements.

The third step is to visit the Town Clerk's office located in the Town Hall of each municipality. All municipalities generally organize their records in the same way, but there can be some differences. Some municipalities are computerized and some simply store their maps in flat drawers or hanging files. Another difference can be the way they provide copies of records to you; some let you make them yourself, and some want to make them for you. They also may differ in the amount they charge for copies. At a dollar a page, making copies of land records can be expensive. When you enter a Town

Clerk's office for the first time ask him/her how the land records and maps are organized and how you may obtain and pay for copies. Begin your search by gleaning the Grantee/Grantor lists of deeds beginning with those from 1940 and continue chronologically until the present month. (CRERPA decided that 1940 was an appropriate year to begin our search. Using conservation easements as a tool to protect open space did not come into fashion until the 1950's and 60's.) Record the volume number and the page number of each transaction categorized as a conservation easement or just simply as an easement. The volume number and page number refer to the location of the deed as filed within the land records. These volumes are generally stored along the walls of the vault in chronological order. If a transaction is simply listed as an easement, note who the grantee is. If it is a municipality or the State, then there is a chance that it could be a conservation easement. If it is a municipal land trust or a private conservation organization, then it most likely is a conservation easement. If the grantee is a utility company, or an individual, then it most likely is not a conservation easement, but an easement for a right of way.

After you note the volume and page numbers of all the easements, you must look them up in the land records and read each deed. The most important information from the deed that you need to find at this time, is the number of the map on which the easement has been recorded. You should obtain a copy of the map, or maps available for each easement. They contain important information for your individual easement logs and your organization's database. They will always show the location of the conservation easement, and often contain the map, block and lot number of the property, nearby street names, names of abutting property owners, amount of acreage, and important information regarding the conservation easement itself. The map, block, and lot number is an identifier used by municipalities to map and locate individual parcels of land. With this information you can visit the Tax Assessor's office, also located in the Town Hall, and obtain the street address and property owner history.

The only problem CRERPA encountered in this process concerns the municipalities. In our search for municipal conservation easements, it was found that most easements are located within subdivisions. Conservation easements have become a tool that municipalities use to protect open space and meet open space regulation requirements regarding subdivisions. Many times, for a variety of reasons, conservation easements are not filed within the municipal land records. The only way that these conservation easements can be found is to examine the subdivision maps filed for all subdivisions in each municipality. The easiest approach to this is to contact the Zoning Enforcement Officer and ask if he/she has a comprehensive list of subdivisions and their associated maps.

The fourth and final step of the process is to compile an accurate and up to date database. Data content and its ability to be easily shared with others are critical issues facing the conservation community. Each organization can do their part by maintaining and making available important information regarding their conservation easements.

MAINTAINING AN EASEMENT LOG

There are two very important reasons for maintaining an accurate, up to date easement log or database. These are the ability to pass information within and without an organization, and the ability to defend the easement in a court of law if any violations occur that can not be settled otherwise. Maintaining an easement database requires diligence but is easily done if your database and record keeping system is already in place before the acceptance of any easements. Remember that the stewardship responsibility of an easement begins the moment the paper work is signed, and record keeping is a key component.

A database or easement log, whether or not you have access to a computer for data collection, should contain important information concerning each of your conservation easements. It should always include the easement's grantor; the grantee; any subsequent owners; its current owner; date of sale for each transaction; the volume and page number as listed in the land records of the municipality; street address; the map, block and lot number as shown on the town or city tax assessor's map for each lot associated with each conservation easement; total acreage; date of each monitoring visit; the name of the monitor; method of monitoring (aerial or personal visit); and the date of planned visits for the future. Any other data needed or collected during the monitoring process unique to each easement should also be recorded and maintained.

The maintenance of this standardized database will allow for the mapping and inventory of all our conservation easements in a GIS (Geographic Information System). This is especially useful for long-term planning purposes, such as when trying to work with other organizations to preserve large areas of habitat, establish greenways through additional acquisitions, or protect water quality within a single watershed.